

IN THE UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN MARIANA ISLANDS

KENNETH COUTURE, ) CIVIL ACTION NO. CV05-0024  
 )  
Plaintiff, )  
 )  
v. )  
 )  
AMERICAN OVERSEAS MARINE )  
CORPORATION and GENERAL )  
DYNAMICS CORPORATION, )  
 )  
Defendants. )

DEPOSITION OF CAPTAIN DAVID HAGNER

Taken at the Marriot Hotel  
Newark International Airport  
Newark, New Jersey

October 27, 2006

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EXHIBIT

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KENNETH COUTURE,	)	CIVIL ACTION NO. CV05-0024
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Plaintiff,	)	
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AMERICAN OVERSEAS MARINE	)	
CORPORATION and GENERAL	)	
DYNAMICS CORPORATION,	)	
	)	
Defendants.	)	
	)	

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On October 27, 2006, at the Marriot Hotel, Newark  
International Airport, Newark, New Jersey, personally  
appeared,

**CAPTAIN DAVID HAGNER**

who was thereupon examined as a witness in said cause.

APPEARANCES:

For the plaintiff:	Bruce Berline, Esq.
For defendants:	David Ledger, Esq.

1 Q And, you, of course, are the captain, at that time  
2 and presently you are the captain of the MV 1<sup>st</sup> Lt.  
3 Jack Lummus?

4 A Right. We correctly call it the Lummus, but for  
5 usage, we can use either, yes.

6 MR. BERLINE: Okay, thank you, that's--

7 A I'm in the -- I'm in the dissenting minority, but it  
8 is correctly Lummus.

9 MR. BERLINE: I will try and ah--

10 A We can accept the Lummus, too.

11 MR. BERLINE: And adopt that.

12 A Yes.

13 MR. BERLINE: The Lummus.

14 A Yes.

15 Q Okay, ah Mr. Couture cannot go to shore without your  
16 permission?

17 A That's correct.

18 Q Mr. Inglehart, who is -- was the treating medical  
19 officer for Mr. Couture initially, would he know  
20 that Mr. Couture could not go ashore without your  
21 permission?

22 A My permission as delegated to department heads.

23 Q Uh-huh?

24 A I assume that you're referring to going ashore for  
25 medical attention in this context.